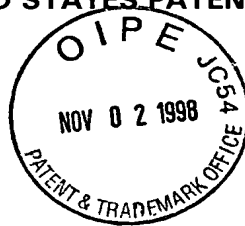


Sector #

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

Applicant: BRYAN, B.
Serial No.: 09/135,988
Filed: August 17, 1998
For: *BIOLUMINESCENT NOVELTY ITEMS*
Art Unit: 1633



I hereby certify that this paper and the attached papers are being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231, on this date.

10/27/98
Date

Stephanie L. Seidman

RESPONSE TO NOTICE TO FILE MISSING PARTS

Assistant Commissioner for Patents
Box Missing Parts
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts mailed September 29, 1998, the following documents are submitted herewith:

- 1) A copy of the Notice to File Missing Parts;
- 2) An executed Declaration for Patent Application;
- 3) Two (2) Verified Statements Claiming Small Entity Status;
- 4) A check in the amount of \$65 to cover the small entity surcharge.

Since an executed Verified Statement (Declaration) Claiming Small Entity Status (37 C.F.R. § 1.9(f)) is submitted herewith, the fee has been reduced to one-half.

U.S.S.N. 09/135,988


Bryan, B.

RESPONSE TO NOTICE OF MISSING PARTS

- ☒ The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 08-1641. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER EHRMAN WHITE & McAULIFFE

By:


Stephanie Seidman
Registration No. 33,779

Attorney Docket 24729-105C

Address all correspondence to:

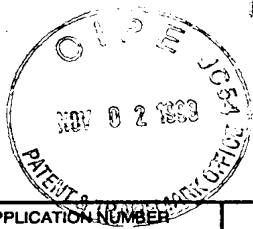
HELLER EHRMAN WHITE & McAULIFFE

4250 Executive Square, 7th Floor

La Jolla, California 92037

Telephone: (619) 450-8400

E-mail: sseidman@HEWM.com



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/125,990 | 09/17/98 | IRYAN | B 24729-1050 |

ALLIANCE BUSINESS
MILLER BRADMAN WHITE & MCALLIFFE
2000 EXECUTIVE SQUARE
7TH FLOOR
LA BREA CA 92307

09/22/1998

NOT ASSIGNED

1633

DATE MAILED:

09/29/98

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 120.00.

- ☐ 1. The statutory basic filing fee is:
- ☐ missing.
 - ☐ insufficient.
- Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.
- \$ _____ for _____ independent claims over 3.
- \$ _____ for _____ dependent claims over 20.
- \$ _____ for multiple dependent claim surcharge.
- Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.
- ☒ 3. The oath or declaration:
- ☒ is missing or unexecuted.
 - ☐ does not cover the newly submitted items.
 - ☐ does not identify the application to which it applies.
 - ☐ does not include the city and state or foreign country of applicant's residence.
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.
- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
- See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

11/05/1998 6DUCKE 00000004 09135388 5300